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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,885	04/05/2004	Maurizio Pilu	1509-482	2672

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

VANCHY JR, MICHAEL J

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,885	Applicant(s) PILU, MAURIZIO	
	Examiner MICHAEL VANCHY JR	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-18 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-18 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/2005 and 04/05/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 13-18 and 26-32 in the reply filed on 02/21/2008 is acknowledged. The traversal from the applicant is based on the ground(s) that all claims include the inhibiting or inhibitor feature. This is not found persuasive because the reasoning for restriction is based on the non-selected group "modifying" the image. In the elected group image modification does not occur. Therefore the restriction stands.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 13-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday et al., US 6,801,642 B2.

Regarding claim 13, Gorday teaches a portable inhibitor device for use by a user, comprising a transmitter of an inhibitor message for inhibiting an image capture device from processing a portion of said image corresponding to the user of said user portable inhibitor device (Abstract and col. 2, line 66 to col. 3, line 21, The examiner takes into account that the transmitters can be moved from one area to another and thus are portable.).

Regarding claim 14, Gorday teaches said inhibitor device is arranged to transmit said inhibitor message directionally (Figs. 2 and 8, The examiner takes into account that the transmitter can send the message directionally as well as omni-directionally based upon it's design.).

Regarding claim 15, Gorday teaches said inhibitor device is arranged to transmit said inhibitor signal omni-directionally (Fig 2).

Regarding claim 18, Gorday teaches said transmitter is arranged to transmit the inhibitor message as a radio frequency signal (Abstract, Figs. 2, 6 and 8, The examiner takes into account that the control signal can easily be sent though a radio frequency based upon the design.).

Regarding claim 26, Gorday teaches an inhibitor device arranged to be carried by an object for inhibiting processing of an image of said wearer; at least one image capture device, said image capture device including an image inhibitor component for inhibiting processing of portions of an image captured by said image capture device; and an encoder for encoding a portion of said image, said image portion corresponding to an image of said object (Abstract and col. 2, line 66 to col. 3, line 21, The examiner takes into account that the transmitters can be moved from one area to another and thus can be carried.).

Regarding claim 27, Gorday teaches a trusted third party computer device, said trusted third party computer being arranged for (col. 7, lines 40-54): receiving an encoded image portion; and decoding said image portion (Abstract

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and col. 2, line 66 to col. 3, line 21, The examiner takes into account that the transmitters can be moved from one area to another and thus are portable.).

Regarding claim 28, Gorday teaches a trusted third party computer device, said trusted third party computer being arranged for: receiving an encoded image portion; and decoding said image portion; said image capture device being arranged to send said encoded image portion to said trusted third party computer (col. 7, lines 40-54); said trusted third party computer being arranged to decode said encoded image portion to produce a clear image of a person (col. 4, lines 46-50) and to send said decoded clear image to said image capture device (Abstract and col. 2, line 66 to col. 3, line 21, The examiner takes into account that the transmitters can be moved from one area to another and thus are portable.).

Regarding claim 29, Gorday teaches an inhibitor device adapted to be mounted on an object for inhibiting processing of image data corresponding to said host wearer; and an image capture device comprising an image inhibitor component for restricting processing of image data corresponding to one or more objects within a captured scene image; said inhibitor device being arranged for sending at least one image of a host wearer of said inhibitor device to said image capture device, such that said image capture device can use said received image for recognizing an image portion corresponding to said object, within said captured scene image (Abstract and col. 2, line 66 to col. 3, line 21, The examiner takes into account that the transmitters can be moved from one area to another and thus can be carried.).

Regarding claim 30, Gorday teaches an image capture system comprising: an inhibitor device adapted to be carried by an object, for inhibiting processing of image data corresponding to said host wearer; and a third party computer entity comprising an image inhibitor component for restricting processing of image data corresponding to one or more objects within a captured image scene; said inhibitor device being arranged for sending at least one image of a host wearer of said inhibitor device, to said third party computer entity (col. 7,

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lines 40-54), such that said third party computer entity can use said received image for recognizing an image portion corresponding to said object, within said captured scene image (Abstract and col. 2, line 66 to col. 3, line 21, The examiner takes into account that the transmitters can be moved from one area to another and thus can be carried.).

Regarding claim 31, Gorday teaches an image capture device comprising: an optics system for forming an image on a detector; and an image inhibitor operable for receiving externally of said image capture device, an inhibit signal for inhibiting a portion of said captured image, and inhibiting viewing of the portion of the image accordingly (Abstract and col. 2, line 66 to col. 3, line 21).

Regarding claim 32, Gorday teaches a portable inhibitor device, said inhibitor device being arranged for sending an inhibit message for inhibiting viewing of a portion of said captured image relating to a host wearer of said image capture device (Abstract and col. 2, line 66 to col. 3, line 21, The examiner takes into account that the transmitters can be moved from one area to another and thus can be carried.).

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday et al., US 6,801,642 B2 as applied to claim 13 above, and further in view of Nishizaka, JP2001313006 A.

Regarding claims 16 and 17, Gorday teaches a portable inhibitor device, which transmits a signal to obscure a portion of the image taken. However, Gorday is silent on using an infrared signal. Nishizaka teaches a portable device that sends an infrared signal to inhibit a camera from capturing an image of a person who doesn't want their picture taken. This also applies to a visual signal, since infrared light can also be considered a visual signal. It would be clear to combine the two portable devices, to include infrared as another means to inhibit unwanted images from being taken.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VANCHY JR whose telephone number is (571)270-1193. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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